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ABSTRACT

This paper presents an overview and description of "significant" education legislation passed during the 1993 Utah Legislative Session. Specific attention is given to legislation that affects the governance and structure of education in the state. The centerpiece of the Governor's educational agenda and the definitive action of the 1993 Legislative Session was HB 100: The Centennial Schools Program. HB 100 represents an attempt in Utah to move toward site-based governance in public eduction. Although many questions surround its viability as an instrument of reform, the Centennial Schools Program is likely to remain an important part of the Governor's educational agenda. Other reforms addressed include the following: class size reduction; amendments to the state's public school-choice laws; revision of the Coordinated Service for Children and Youth At-Risk Act, and expansion of the role of the state's Strategic Planning Task Force on Education. Other than the Centennial Schools Program, none of the actions taken by the 1993 Legislature represent a radical departure from existing educational practices. Most represent refinements to existing legislation or the codification of that which reflects the ideas and philosophy expressed in the Strategic Plan for Public Education adopted by the Legislature in 1991. Two tables and a list of concerns about the Centennial Schools Program are included. (Author/LMI)

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The 1993 Utah Legislative Session: Policy Implications for Educational Structure and Governance

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ABSTRACT

The year 1993 marked the 50th session of the Utah Legislature. Policy makers found themselves facing what have proven to be perennial pressures in the state's system of public education: booming enrollments, large class sizes, low teacher pay, fee waivers, and inadequate revenues. It was the first for newly elected Governor Michael Leavitt and 36% of the lawmakers. Running on the promise of improving public education without raising taxes, Governor Leavitt exhorted lawmakers to "shake up the State's public-school system from kindergarten through college." With this gubernatorial challenge, the 1993 Legislature proceeded to adopt a number of changes and appropriate approximately half of the state's $4.24 billion budget to public and higher education.

The centerpiece of the Governor's educational agenda and the definitive action of the 1993 Legislative Session was HB 100: The Centennial Schools Program. HB 100 represents an attempt in Utah to move towards site-based governance in public education. While many questions surround its viability as an instrument of reform, the Centennial Schools Program is likely to remain an important part of the Governor's educational agenda throughout the duration of his tenure. Other reforms addressed include the following: class size reduction, amendments to the State's public school choice laws, revision of the Coordinated Service for Children and You At-Risk Act, and expanding the role of the State's Strategic Planning Task Force on Education. Other than the Centennial Schools Program, none of the actions taken by the 1993 Utah Legislature represent a radical departure from existing educational practices. Most represent refinements to existing legislation or the codification of that which exists de facto. It would appear that much of the educational legislation passed in 1993 reflects the ideas and philosophy expressed in the Strategic Plan for Public Education adopted by the Legislature in the 1991.

The 1993 Utah Legislative Session: Policy Implications for Educational Structure and Governance

The year 1993 marked the 50th session of the Utah Legislature.[1] For many, it was a new experience. To begin with, the session was the first for newly elected Governor Michael Leavitt. In addition, it was a new experience for an unusually high number of legislators: approximately 36% of the state's lawmakers were new to Capitol Hill in 1993.[2] Yet while many of the faces were new, the challenges confronted in the 1993 Session were not. This proved particularly true in the area of education. Utah policy makers found themselves facing what have proven to be perennial pressures in the state's system of public education: booming enrollments, large class sizes, low teacher pay, fee waivers, and inadequate revenues.[3]

Running on a platform characterized by two priorities - improving public education without raising taxes[4] - Governor Leavitt, in his State of the State address, exhorted lawmakers to "shake up the state's public-school system from kindergarten through college."[5] With this gubernatorial challenge, the 1993 Legislature proceeded to adopt a number of changes and appropriate approximately half of the state's $4.24 billion budget to public and higher education.[6]

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[1]The 55-day session extended from January 19 to March 3, 1993.

[2]Utah Legislative Manual, 1993-1994. Salt Lake City, UT: Office of Legislative Research and General Counsel.

[3]For an analysis of the evolution of these pressures in Utah and recent policy responses see the first chapter in this volume. For a more detailed account see Bob L. Johnson, Jr., "In Search of A Coherent Policy of Reform: A Longitudinal Examination of Educational Reform In Utah", International Journal of Educational Reform, forthcoming, 1994.

[4]As noted by Bob Bernick, Jr., "Gubernatorial Candidates Offer Ideas on Education." Deseret News. Sunday, March 15, 1992: B8.

[5]As quoted by Judy Fahys, "As Legislators Gather, Leavitt Spells Out a Fourth 'R' for Education: Reform." Salt Lake Tribune, Tuesday, January 19, 1993: A1, A3.

[6]As has been the case in past years, the largest share of total state appropriations went to education. For fiscal year 1993-94, approximately $1.38 billion dollars was appropriated for public education. This represents an $89 million increase and comprises 38.8% of the total budget. Higher education in Utah received $473 million for the same period; this represents a $32 million increase from the previous year and comprises 13.3% of the 1993-94 state budget. Utah Foundation. "Research Report: Fiscal Summary of the 1993 Legislature." 558 (April 1993).

Given this scenario, the purpose of this chapter is to provide the reader with an overview and description of "significant" education legislation passed during the 1993 Utah Legislative Session. Specific attention is given to legislation that affects the governance and structure of education in the State.[7] As has been noted elsewhere, determining the significance of a policy can prove rather problematic, particularly when the effects of that policy remain unknown to the future.[8] In this context, the significance of those policies noted below is a function of one or more of the following: the amount of attention given the policy by the 1993 Utah Legislature; the amount of funds appropriated for the implementation of the policy by the Utah Legislature; and/or the magnitude of the anticipated effects of the policy once implemented.

For the sake of clarity, the discussion which follows is divided into several sections, each of which reflects a particular piece of legislation addressed by Utah lawmakers in 1993.

HB 100: The Centennial Schools Program

Without a doubt, the centerpiece of the Governor's educational agenda for the 1993 Legislative Session was HB 100: The Centennial Schools Program.[9] So named to commemorate Utah's upcoming centennial year of statehood, the Program has been hailed as an important means of pushing schools to a "whole new level of performance."[10] Consistent with the spirit of the Strategic Plan for

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[7]For a more detailed analysis of educational policy other than governance, structure, and legal issues passed by the 1993 Utah Legislature, the reader is referred to the other chapters in this volume.

[8]Johnson, "In Search of a Coherent Policy of Reform:....", 1994.

[9]It should be noted the bulk of Leavitt's first State of the State Address was devoted to the Centennial Schools Proposal. See "An Optimistic Attitude Helps Governor Envision Hopeful State of the State." Salt Lake Tribune. Wednesday, January 20, 1993: A1.

[10]As quoted by Dan Harrie, "Leavitt Assumes Office as 14th Utah Governor." Salt Lake Tribune. Wednesday, January 5, 1993: A1.

Public Education articulated and adopted by the 1992 Legislature[11], four key ideas would appear to be at the heart of the Program: strategic planning; decentralization of governance via site-based decision making; outcome-based education; and local innovation. To further understand these ideas, a description of the policy incentives contained in the actual legislation is in order.[12]

As sponsored by Speaker of the House Rob Bishop (R-Brigham City), the Centennial Schools Program is characterized by a set of mandates and inducements designed to translate policy intent into action. First, it should be noted that the program is voluntary; schools in Utah are encouraged but not required to participate. Although education is a function of state government, such a stipulation would appear to respect - if only in a symbolic fashion - the decision-making authority which has traditionally existed at the local level. Nevertheless, as a means of encouraging participation, the state has appropriated $2.6 million dollars for those schools who choose and are chosen to participate. For individual schools who achieve Centennial School status, a base grant of $5,000 plus $20 per student is awarded.[13]

Yet, while participation in the Centennial Schools Program is in fact voluntary, not all schools who volunteer are chosen to participate. The ultimate decision rests with the state. Such authority is used by the state to align local educational practice with the spirit and intent of the Centennial Schools legislation. To insure this alignment, schools who wish to participate are required to complete an application provided by the Utah State Office of Education. As an additional part of the process, schools are required to submit a detailed plan of action describing, in an integrated fashion, the

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[11]For a detailed discussion of the development of the Utah State Public Education Strategic Plan see David J. Sperry and Bob L. Johnson, Jr., "The Organization and Control of Public Education in Utah." In The Status of Public Education in Utah: An Overview of Issues. Salt Lake City, UT: Utah Education Policy Center, 1993: 8-12. See also Utah Code 53A-1a-101f.

[12]Utah Code 53A-1a-301f.

[13]Thus, for a High School with 2,000 students that qualifies for Centennial School status, the grant from the state would be $45,000, i.e. ($5,000 + ($20 x 2,000).

"innovative" steps that will used to achieve systemic change in a given school.[14] Among other things, this plan of action must incorporate the following features:[15]

1. **Articulation of A Strategic Plan** - The articulation of a strategic plan which clearly:
   a. defines performance goals for all students and the means for achieving these goals;
   b. provides for the development of a personal education plan for each student (Student Educational Occupational Plan, SEOP) in conjunction with the "extensive"[16] involvement of parents;
   c. addresses basic and higher level learning skills;
   d. establishes strategies to involve business and industry through partnerships.
   e. describes the development and implementation of a plan which integrates technology into the school curriculum.

2. **Creation of Site-Based School Council** - Each participating school must provide evidence of the creation of a site-based school council. This council, comprised of teachers, classified employees, school administrators, and parents, is charged with the responsibility of collaboratively addressing matters critical to the achievement of school goals as established by the group and articulated in its strategic plan.[17] In addition, this site-based council must develop and implement procedures whereby it is made accountable for the goals and plans identified for its school.

3. **Waiver Provisions for State and Local Mandates** - To encourage innovation at the local level and where appropriate, the potential Centennial School must identify and request the waiving of state and local mandates that prohibit the school from achieving its performance goals as articulated in its strategic plan.

In addition to the financial inducements and mandates described above, two remaining incentives found in HB 100 are worthy of note. The first concerns funding. To encourage fidelity to intent and consistent progress, each school that achieves Centennial status must annually reapply for

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[14]"Utah Centennial Schools: Program Application." Utah State Office of Education, March 15, 1993.

[15]These "qualifications" are found in the Utah Code 53A-1a-302 and are reflected in the Centennial Schools Program Application designed by the Utah State Office of Education noted above.

[16]Ibid.

[17]According to the Utah Code, Section 53A-1a-302, "site-based decision making" is defined as a "joint planning and problem solving process that seeks to improve the quality of working life and education."

additional funding. The second represents an attempt to symbolically recognize those schools granted Centennial status as being on the vanguard of reform in Utah. Here, the point of leverage is higher education. The State Board of Regents is required to adopt policies for the state's public colleges of education that will mandate the sole use of Centennial Schools as on-site centers for pre-service professional education programs. This includes programs in teacher education and educational administration.[18]

When considered concomitantly, the inducements and mandates associated with the Centennial Schools Program reflect definite ideas, assumptions, and values regarding the nature and means of educational reform in Utah. As previously noted, four ideas lie at the heart of the policy. In sum, these ideas may be combined to offer the following philosophy and rationale of HB 100:

> "Moving Utah's system of public education to a new level of performance can be achieved as a decision-making structure, which allows for public and professional input, is created and allowed to function at the school-site level. This decentralized and collaborative structure has as its focus a strategic planning process aimed at defining and achieving - in an innovative fashion - specific, student-centered, outcome-based academic goals."

While this summation is rather verbose and abstract, it captures the essence of the Centennial Schools legislation. At this level of abstraction, the Program would appear to have broad appeal. However, as these ideas are implemented in a more concrete fashion at the local level, confusion and conflict will undoubtedly arise. Thus, the important question to consider is whether the ideas and assumptions reflected in the rationale of HB 100 are in fact workable and valid. This is a question which deserves the attention of the three significant groups: the public, professional educators, and policy-makers. A list of specific concerns likely to be encountered during the initial year of program implementation can be found in box below.[19]

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[18]Utah Code, 53A-1a-305.

[19]Some of these questions are addressed in an informative flier issued by the Utah State Department of Education entitled, "Centennial Schools: How Will They Work?," n.d. The answered offered, however, are at times excessively vague.

INSERT QUESTION BOX HERE

During the initial year of program implementation, 97 Utah schools were granted Centennial School status. To further understand how these schools were chosen, a brief description of the application and selection process is in order.

At the charge of the Legislature, the Utah State Office of Education was given the responsibility for implementing the Centennial Schools Program. Following the articulation of specific application procedures and guidelines, applications for Centennial School status were made available in March 1993. Given a May deadline, schools were allowed 2.5 months to complete and return these applications. At that time, a 14 member committee under the direction of the USOE[20] screened each application using a specific set of criteria drawn from the Centennial Schools legislation.[21] Following consultation, decisions regarding the awarding of Centennial status were announced in late June 1993. A summary of the percentage of schools applying for and receiving Centennial School status is found in Table 1. While 26% of the state's 716 public schools applied to the Centennial Schools Program, only 13.5% or 187 were chosen to participate. This figure falls below the maximum number of participating schools (200) originally designated by the Legislature for fiscal year 1993-94.

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[20]The "Centennial Schools Selection Committee," as this 14-member group was called, was fairly representative of both the public and professional educators. The breakdown of the Committee is as follows: three representatives from the USOE, specifically an Associate Superintendent and representatives from Strategic Planning and Public Relations; two teachers, one elementary and one secondary; two representatives from the Governor's office; two representatives from colleges of education; one state legislator; one representative from the State Superintendent's Association; one representative from a local school board; one administrator from a local district; one representative from the PTA; and one representative from the Foundations for Parents Association. It is worth noting that invitations to serve on the selection committee were extended to the Utah Education Association and the State Board of Regents. Both groups, however, declined representation.

[21]These criteria are formally codified in a five-page form entitled, "Concept Evaluation Form: Selection Committee Evaluation From." Utah State Office of Education, Strategic Planning Section, 1993.

As is indicated, the largest percentage of rewards were granted to high schools. This contrasts sharply with the one special/alternative school awarded Centennial School status.

INSERT TABLE 1 HERE

Whether the Centennial Schools Program will "over time cross-pollinate the system with new and hardier breeds" of schools, as Governor Leavitt suggests, remains to be seen.[22] While much optimism surrounds the Program, a number of unanswered questions and challenges lie ahead.

SB 24: Choice In Public Education Amendments

Consistent with the mission statement for public education adopted by the state, a school choice option was enacted by the 1992 Utah Legislature. Although allowing students to seek enrollment in the public school of their choice, the legislation proved limited in its provisions.[23] In an effort to address these limitations as well as other logistical and procedural issues, the 1993 Legislature offered several amendments to the Choice in Public Education Act.

To begin with, specific procedures regarding the inter- and intra-district transfer of students were articulated. According to enacted amendments, schools that fall below their designated threshold capacity must now make allowances for open enrollments.[24] In addition, provisions surrounding the acceptance of enrollment transfers were addressed. Whereas initial legislation confined the acceptance of transfer applications to the month of January, an amendment was offered to extend this window as

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[22]Quoted by Twila Van Leer, "Leavitt Hails 85 Centennial Schools," Deseret News. Saturday, June 26, 1993: B1.

[23]See Sperry & Johnson, 1993: 12.

[24]For schools whose enrollments exceed the designated capacity defined by the state, the choice regarding the acceptance of students who reside outside of the boundaries of the school and district remains with the local board. Utah Code, 53A-2-207 (3).

dictated by necessity. Local districts were granted the authority to make this decision. At the same time, however, the authority to determine the enrollment capacities for individual schools was retained by the state.[25]

Perhaps the most important amendment of the Choice in Public Education statute, however, is that of funding. In 1992, the Legislature declared that state funds follow those students who choose to exercise choice in a district other than their own. Thus, depending a given student's weighted appropriation (WPU), receiving districts were funded for each incoming student. While this provision proved to be a fair and equitable allocation of state funds, no provisions were made to insure the equitable distribution of those funds generated at the local level. Consequently, locally generated funds were lost to those students who chose to transfer to other districts. In an effort to move towards a more equitable allocation of local funds, the 1993 Legislature mandated that local districts release to receiving districts one half of those funds generated locally for each student leaving a district.[26]

Considered together, these amendments should function to increase the freedom parents and students enjoy in regards to choice. Given the fact that they will receive a higher level of compensation for incoming students, local districts will also benefit.[27] Nevertheless, in spite of these amendments, the school choice option remains somewhat limited in its provisions. This is particularly true in regards to transportation. Although the 1993 Legislature left open the possibility of future funding, the failure of the state to underwrite those transportation costs associated with choice will effectively deny certain families - those who have neither the money nor time to transport their

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[25]Utah Code, 53A-2-207.

[26]Utah Code, 53A-2-210 (2). This make sound more confusing than it actually is. It may prove easier to understand when conceived as an equation. Receiving districts will receive the following funds for each incoming student: (state allotment + 1/2 local allotment of the sending district).

[27]This remains true in spite of the fact that districts differ in the amounts of educational revenue raised locally beyond state funding.

children to school - the opportunity to choose. Thus, as it current reads, the legislation will continue to discriminate against the disadvantaged.

HB 39: Coordinated Services for Children and Youth At Risk Amendments

Since its creation in 1989, the Coordinated Services for At Risk Children and Youth Act has been amended by the Utah Legislature on three separate occasions. Revisions made during the 1993 Session have resulted in a new name for the program and an expansion of service provisions. Renamed the "Agencies Coming Together for Children and Youth At Risk Act", the emergence of this particular legislation in Utah may be understood as an expression of a broader national movement aimed at improving the delivery of numerous social services through inter-agency integration and collaboration.[28] At present, four state agencies have been authorized to develop and implement comprehensive systems of services for children and youth at risk and their families. These agencies are the Department of Human Services, the State Office of Education, the Department of Health, and the Office of the Court Administrator. The latter agency represents an addition of the 1993 Legislature.

Among the latest revisions to the Act, a redefinition of the targeted "at risk" population is indeed a significant one. Whereas initially defined as children in grades kindergarten through three, this population is now defined as "all persons from birth to age 18 and disabled persons age 18 to 21".[29] More specifically, among these age groups, those individuals who require "appropriate and uniquely designed intervention" to achieve literacy, advance through school, achieve at a level

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[28]Utah Code, 63-75-1 (1).

[29]Utah Code, 63-75-3 (1).

commensurate with their ability or participate in society as "competent" and "responsible" citizens are further identified as candidates for program participation.[30]

In addition, the authority and responsibilities given to the State Council for Children and Youth at Risk - the initial state-level committee created and charged with coordinating efforts for the Act - have been further delineated and expanded. As mandated by the 1993 Legislature, this Council has been given the added responsibility of increasing and enhancing the efficiency and effectiveness of services to at risk children and youth across the state.[31] Towards this end, two additional sets of governing bodies were created by the Legislature. To assist the State Council in coordinating and monitoring local implementation efforts, the Steering Committee for Children and Youth At Risk was created by the 1993 Legislature. This state-level Committee is made up of representatives from each of the four state agencies noted above. As a means of coordinating and delivering integrated services at the local level, the 1993 Legislature likewise mandated the creation of Local Interagency Councils. Under the supervision of the State Council, the ultimate responsibility of planning, coordinating, and implementing the face-to-face delivery of needed to social services falls to these local government entities.

The final revision of the Coordinated Services Act by the 1993 Legislature involves the transition of current prevention programs from pilot to permanent status and the creation of a new pilot program for at risk infants. Regarding the former, expansion authorization has been granted for the inclusion of grades four, five and six in current prevention programs among certain Chapter I schools. Regarding the latter, a hospital-based intervention pilot for high risk infants and their families is currently being planned.

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[30]Ibid.

[31]Utah Code, 63-75-4 (3).

As is evidenced in this general description, several features characterize the Agencies Working Together Act as amended by the 1993 Utah Legislature. In sum, the identification of a wider group of targeted recipients, the creation of additional governing entities to implement the program, and the expansion of services offered will create increased demands for continued and increased funding of this piece of legislation.

HB 48: Public Education Class Size Reduction

That Utah has the highest pupil-teacher ratio in the nation is a well documented fact.[32] Given the state's recent population growth and the unusually high percentage of citizens below the age of 18, this should come as no surprise. A longitudinal, summary comparison of this ratio can be found in Table 2. As is noted, the difference between Utah and the nation has been consistent over time. Since 1991, however, the Legislature has mandated the reduction of class size students in certain elementary grades. Using a targeted figure of 20 students per class, annual appropriations have been forthcoming by the Legislature. These are likewise summarized in Table 2.[33] When compared with the pupil-teacher ratio statistics, it can be concluded that only modest declines in the pupil-teacher ratio have been witnessed in Utah since that time.

INSERT TABLES 2 HERE

The year 1993 represents the third year of the state's class size reduction program. Three factors distinguish the current appropriation from previous efforts. First, the amount of funds

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[32] In recent years, Utah has consistently had the highest pupil-teacher ratio in the nation. See National Education Association publications on Ranking of States.

[33] An appropriation of approximately $9 million was made by the 1990 Legislature for class size reduction. However, local participation was not mandated; the program was optional for local districts. A separate bill mandating class size reduction for all districts appeared for the first time in 1991.

appropriated has almost tripled. The reason for this is found in the second distinguishing factor: the number of targeted grades has expanded. Whereas in 1992 the Legislature targeted grade one to be the recipient of funds, the 1993 Legislature has targeted grades kindergarten through two. Third, more flexibility in the use of these funds has been granted to local districts.[34] For example, given current legislation a district can choose to use the funds appropriated for this purpose in a handful of targeted schools as opposed to all schools in the district. Furthermore, as classes are reduced in the lower grades, districts may use funds to reduce classes up to the third grade. Given the fact of booming enrollments, moderately expanding revenues, and the current tax mood, the prospects of significantly reducing class size in Utah appear to be mediocre at best.

HB 396: Public School Dispute Resolution Act

The passage of House Bill 396[35] by the 1993 Utah Legislature constitutes a potentially significant new development in the organization and control of Utah's public schools. By its enactment, the law provides formal legislative recognition of the negotiated collective bargaining process between local boards of education in Utah and certificated professional employees. In spite of the absence of regulating legislation, such bargaining has been conducted for many years in Utah. Passage of the Public School Dispute Resolution Act is interpreted by many as the beginning provisions of such a law.

Although not labeled as a collective bargaining act, key provisions within the law address many critical elements found in most comprehensive bargaining laws. For example, HB 396 specifically: identifies those specific conditions which constitute an impasse; establishes provisions for impasse resolution; infers that exclusive representation will be the mode of bargaining representation to

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[34]Utah Code, 53A-17a-124.5.

[35]Utah Code 53A-6-401, 402.

be practiced within the state; and, designates the state superintendent of public instruction as the agent to determine majority status of any professional organization for bargaining purposes.

Given Utah's strong "right-to-work" tradition and historical resistance to collective bargaining legislation for education, the enactment of the Dispute Resolution Act by a conservative legislature and newly elected Republican governor is somewhat surprising. This is particularly noteworthy given the marginal level of resistance encountered by the bill. Perhaps HB 396 caught the public and others off-guard or was not fully recognized for what it is or may become. Furthermore, such a reaction might be indicative of changing attitudes towards labor legislation in Utah.

HB 435: Expansion of the Strategic Planning Task Force

Much like the state's system of public education, Utah's system of higher education is facing a number of pressures which have captured the attention of lawmakers. Chief among these are two, which when juxtaposed, would appear to be the primary source of concern in the state: enrollment growth and funding. As enrollments expand beyond expenditures, leaders at the state's institutions of higher learning find themselves reprioritizing and redefining the missions of their institutions in an effort to favorably position themselves for future funding considerations. The end result has been an increase in the level of competition among these institutions for various scarce resources.

To address this increased pressure, the 1993 Utah Legislature voted to expand strategic planning efforts for higher education in the state. The focus of action, as expressed in HB 435, was the Strategic Planning Task Force on Education created in 1990.[36] The purpose of HB 435 was two-fold: 1) to increase the representation of higher education on this Task Force through expansion; and 2) to facilitate the emergence of a more complementary set of policies between public and higher education in the state. Following passage of the bill, the strategic planning team was expanded from

[36]For a detailed description of this Task Force, its planning process, and the Utah State Public Education Strategic Plan, 1992-1997 see Sperry and Johnson, 1993: 8f. See also Utah Code, 53A-1a-201f.

17 to 27 members and given the additional charges of: developing a strategic plan to address the critical issues facing the state's system of higher education; developing a unified vision and mission for higher education; identifying the appropriate objectives to realize this vision; monitoring and evaluating the progress of the system in achieving identified objectives; and submitting an annual report of progress to the Legislature.[37]

The emergence of this legislation for strategic planning in post-secondary education is indicative of the pressure which exists within the state's system of higher education. The expansion of the Strategic Planning Task Force for the purposes of increasing higher education representation may be seen as an authoritative response to this pressure. Given current and predicted enrollment trends, the intensity of this pressure on the system is likely to increase. Consequently, the work of this committee deserves careful attention.

HB 110: Parental Involvement in Public Schools Amendments

In 1992, the Utah Legislature enacted as a part of the "Utah Strategic Planning Act for Educational Excellence,"[38] a provision relating to parental participation in the educational process.[39] This provision of the act specifically noted the important role of parents in the education of children and encouraged employers to develop policies and programs that would allow parents greater participation in the public education system of their children during school hours. House Bill 110, which was enacted by the 1993 Legislature, specifically calls upon each local board of education within the state to develop a parental involvement policy.[40] The policies are expected to provide

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[37]This charge is in addition to the charge of developing a strategic plan for "public education" given by the Utah Legislature to Strategic Planning Task Force on Education in 1990. Utah Code, 53A-1a-201f.

[38]Utah Code 53A-1a-101.

[39]Utah Code 53A-1A-105.

[40]Utah Code 53A-1A-105 (3).

parents with the opportunity to be actively involved in their children's education and to be informed of (1) the importance of the involvement of parents in directly affecting the success of their children's educational efforts and (2) groups and organizations that may provide instruction and training to parents to help improve their children's academic success and support of their academic efforts.

HB 436: Educational Professional Practices Amendments

The 1993 Legislature increased the authority of the Utah Professional Practices Commission in (1) allowing the commission to receive and use expunged evidence related to an allegation of sexual abuse by an educator on student or a minor; and (2) permitting the commission to recommend that the State Board of Education restrict or prohibit an individual's recertification.[41]

SB 44: Student Discipline in Public Schools

Senate Bill No. 44[42] authorized the use of school community councils[43] or school directors[44] in the adoption of rules and procedures on school discipline. Procedures adopted by such bodies must conform with applicable local school board policies, state statutes, and federal laws. The provision also requires review of any rules and procedures adopted at least every four years.

HCR 1: Teacher Inservice Resolution

A concurrent resolution of the legislature and the governor requested that the State Board of

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[41]Utah Code 53A-7-110.

[42]Utah Code 53A-11-901, 902, 903.

[43] In 1992, The Utah Legislature enacted as a part of the "Utah Strategic Planning Act for Educational Excellence" a provision authorizing and encouraging a community council at each school building level to assist with the development and maintenance of the public school characteristics delineated in the plan (see Utah Code 53A-1a-108).

[44] "School directors" means the group of individuals empowered by a school district delegation document to implement a centennial school program at a public elementary or secondary school as authorized by the 1993 Legislature (see Centennial Schools Program, Utah Code 53A-1a-301).

Education and the State Board of Regents form an ad hoc committee to develop recommendations for teacher preservice and inservice programs structured to help accomplish the mission of public education and to meet the state's educational needs for the 21st Century. Reasons noted in the resolution justifying the need for altered teacher training programs stemmed from recent educational restructuring developments including the ongoing revision of teacher certification requirements, Shift in Focus, the Utah Strategic Planning Act for Educational Excellence, and the Educational Technology Initiative. The ad hoc committee was asked to report its findings to the Education Interim Committee and the Governor prior to the 1994 General Session.

Conclusion

As noted above, the purpose of this chapter has been to provide the reader with an overview and description of significant education legislation passed during the 1993 Utah legislative Session. Specific attention has been given to legislation that affects the governance and structure of education in the State. The following bills were identified and discussed:

HB 100	Centennial Schools Program
SB 24	Choice in Public Education Amendments
HB 39	Coordinated Services for Children At Risk Amendments
HB 48	Public Education Class Size Reduction
HB 396	Public School Dispute Resolution Act
HB 435	Expansion of the Strategic Planning Task Force
HB 110	Parental Involvement in the Public Schools
HB 436	Educational Professional Practices Amendments
SB 44	Student Discipline in the Public Schools
HCR 1	Teacher Inservice Resolution

As can be deduced, other than the Centennial Schools Program, none of those actions noted above represents a radical departure from existing practices. Most represent refinements to existing legislation or the codification of that which exists de facto.

As the center-piece of newly elected Governor Leavitt's educational proposals and definitive educational action of the 1993 Legislature, the Centennial Schools Program personifies many of the

ideas expressed in the Utah State Public Education Strategic Plan, 1992-1997. While many questions surround its viability as an instrument of reform, it is likely to remain an important part of the Governor's educational agenda throughout the duration of his tenure. Thus, the chances of continued and increased funding of the Program in 1994 are high.

Other educational concerns which can be expected to capture the attention of lawmakers in 1994 are general funding issues, enrollment issues, and the Educational Technology Initiative (ETI). Given recent speeches by the Governor, the latter - ETI - would appear to be the focus of future reform efforts in state. The program is up for renewed funding in 1994.

Tables and Question Box

The Centennial Schools Program: Questions and Concerns

1. Is the Centennial Schools Program to be construed as a substantive or symbolic reform proposal?
2. Is the level of funding for Centennial Schools adequate?
3. How much autonomy will the school site council have?
4. What matters will fall under the decision-making domain of the local school based board of directors?
5. Who will control major budget decisions?
6. Regarding the articulation of responsibilities, is more specificity needed?
7. What will the relationship of the school site council be to the local board of education?
8. How will disagreements which arise between the site-based council at a school and the local district be resolved?
9. Will the pressure for annual renewal be excessively disruptive to the school? Should this be extended?
10. Will the increase of public vulnerability brought on by the Centennial Schools Program be detrimental to the education process?
11. Why did only 187 or 26% of Utah's public schools apply for Centennial School status?
12. Can the approach advocated in the Centennial Schools Program be expected to work in all schools?
13. Is the Centennial Schools Program a reasonable and workable reform option?
14. Other.....

Table 1: Status Summary: Centennial Schools Program, 1993-94

	Elementary	Middle/Jr High	High School	Special and Alternative	TOTAL
Number of Schools[1]	441	116	100	59	716
Centennial Applications	113 = 26%[2]	30 = 26%	44 = 44%	-	187 = 26%
Centennial Status	57 = 13%[3]	16 = 14%	24 = 24%	1 = 1.7%	97 = 13.5%

[1] Source: Utah State Office of Education, November 1993.
[2] % of all schools in this category who applied to the Centennial Schools Program.
[3] % of all schools in this category who received to Centennial Schools status.

Table 2: Annual Pupil-Teacher Ratios and Legislative Class-Reduction Appropriations

	Pupil-Teacher Ratio					
YEAR	Utah	USA	Δ[1]	Appropriation	Targeted Grade	Targeted Class Size
1988-89	24.9	17.3	+7.6			
1989-90	24.7	17.2	+7.5			
1990-91	24.5	17.2	+7.3	$ 9,329,126[2]	K - 3	24
1991-92	23.9	17.2	+6.7	$ 4,800,000	1	20
1992-93	23.1	17.2	+5.9	$ 4,000,000	2	20
1993-94	-	-	-	$11,053,098	K - 2	20

[1] Difference between USA and Utah Pupil-Teacher ratio, (Utah Ratio - USA Ratio).
[2] In this year funds for class size reducation were made availible by the Utah Legislature but participation by districts was optional.

Sources: U.S. Department of Education, Digest of Education Statistics, 1992.
Utah State Office of Education, Annual Report of the Superintendent of Public Instruction.

Laws of Utah, specially the following years: 1990, 1991, 1992, and 1993.